



Report Committee of Adjustment

Filing Date: September 23, 2022

Hearing Date: October 25, 2022

File: A-2022-0303

**Owner/
Applicant:** MUSTUFA GHANI AND SARAH MAZHAR

Address: 98 Gulfbrook Circle

Ward: WARD 2

Contact: Paul Brioux, Planning Technician

Recommendations:

That application A-2022-0303 is supportable, subject to the following conditions being imposed:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
 2. That the below grade entrance shall not be used to access an unregistered second unit;
 3. That drainage on adjacent properties not be adversely impacted; and
 4. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
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Background:

Existing Zoning:

The property is zoned 'Residential Semi-Detached – R2D -1409', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit a below grade entrance between the main wall of a dwelling and the flankage lot line whereas the by-law prohibits below grade entrances between the main wall of a dwelling and a flankage lot line;

2. To permit an exterior side yard setback of 2.33m (7.64 ft.) to a proposed below grade entrance whereas the by-law requires a minimum exterior side yard setback of 3.0m (9.84 ft.).

Current Situation:

1. Maintains the General Intent and Purpose of the Official Plan

The property is designated 'Residential' in the Official Plan and 'Medium Density Residential' in the Springdale Secondary Plan (Area 2). The nature and extent of the proposed variances are considered to maintain the general intent and purpose of the Official Plan.

2. Maintains the General Intent and Purpose of the Zoning By-law

Variance 1 is requested to a below grade entrance between the main wall of a dwelling and the flankage lot line whereas the by-law prohibits below grade entrances between the main wall of a dwelling and a flankage lot line. The intent of the by-law in prohibiting below grade entrances between a main wall of the dwelling and the flankage lot line is to ensure that the appearance of the below grade entrance does not negatively impact the overall streetscape. Variance 2 is requested to permit an exterior side yard setback of 2.33m (7.64 ft.) to a proposed below grade entrance whereas the by-law requires a minimum of 3.0m (9.84 ft.). The intent of the by-law in requiring a minimum exterior side yard setback is to ensure that sufficient space is maintained for drainage and access to the rear yard.

The entrance is not expected to impact drainage nor does the below grade entrance negatively impact the overall streetscape as it would reside behind the property's fencing. A condition of approval is recommended that the below grade entrance shall not be used to access an unregistered second unit. Variances 1 and 2 are considered to maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The requested variances are intended to permit an exterior side yard setback of 2.33m (7.64 ft.) to a proposed below grade entrance and a below grade entrance to be located between the main wall of the dwelling and the flankage lot line. A condition of approval is recommended that drainage on adjacent properties shall not be adversely affected. Subject to the recommended condition of approval, the variances are considered desirable for the appropriate development of the land as they do not generate negative impacts on-site or off-site.

4. Minor in Nature

The requested variances pertaining to both the exterior side yard setback and the below grade entrance located between the main wall of the dwelling and the flankage lot line are not to have impact on drainage or the streetscape. Variances 1 and 2 are considered minor in nature.

Respectfully Submitted,

Paul Brioux

Paul Brioux, Planning Technician